

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

IN RE: RANDY J. UNGAR

CIVIL ACTION NO. 5:18-MC-00041

CHIEF JUDGE HICKS

MAGISTRATE JUDGE PEREZ-MONTES

MEMORANDUM ORDER

Before the Court is a Motion to Reconsider Denial of Reinstatement (Doc. 4) filed by Respondent Randy J. Ungar (“Ungar”).

On October 30, 2009, the Louisiana Supreme Court suspended Ungar from the practice of law for a period of three years. See In re Ungar, 2009-0573 (La. 10/30/09), 25 So.3d 101, reinstatement granted, 2016-0394 (La. 5/20/16), 192 So.3d 112. “[T]he crux of the misconduct alleged by the ODC is that [Ungar] intentionally withheld information from [two of] his clients regarding [a class-action] settlement in order to facilitate collection of an excessive fee.” Id. 2009-0573 (La. 10/30/09, 15), 25 So.3d at 110.

On December 4, 2009, in accordance with the Louisiana Supreme Court’s Order of Suspension (Doc. 1-1), this Court suspended Ungar from the practice of law in the United States District Court for the Western District of Louisiana for a period of three years. (Doc. 4-1). The Court noted that Ungar would be allowed to apply for readmission after serving the suspension. (Id.).

More than eight years and nine months later, on September 6, 2018, Ungar filed a pro se petition for reinstatement with this Court. By Order dated October 5, 2018 memorializing the majority vote of the Judges of this Court, Ungar's petition for reinstatement was denied. (Doc. 2). Ungar subsequently filed the pending Motion to Reconsider. (Doc. 4).

Chief Judge S. Maurice Hicks, Jr. referred this matter to the undersigned for a hearing and a report and recommendation. (Doc. 5). In accordance with Chief Judge Hicks's Order, as well as Local Rule 83.2.10;

IT IS ORDERED that, on or before January 25, 2019, Ungar shall file any supplemental brief or exhibits he may wish to file in response to the Order denying Ungar's Petition for Reinstatement (Doc. 2) and the referral (Doc. 5). Any such brief shall not restate factual or legal positions asserted in the Motion to Reconsider (Doc. 4), to the extent those positions were adequately briefed and supported under LR 83.2.10. And any such brief shall: (1) comply with LR 7.8; (2) include any other exhibits or submissions required by LR 83.2.10(C)(2); (3) set forth any other proposed findings of fact, pertinent legal authority, suggested alternative sanctions, or information in mitigation of the sanction imposed ; and (4) set forth any and all additional reasons why reinstatement should be granted.

IT IS FURTHER ORDERED that, on February 27, 2019 at 1:30 p.m. in the Third Floor Courtroom of the United States Courthouse, 515 Murray Street, Alexandria, Louisiana, Ungar shall appear for an evidentiary hearing and show cause why his Motion to Reconsider (Doc. 4) should be granted and Ungar should be

reinstated. During this hearing, counsel for Ungar may make any arguments, and may present any documentary and testimonial evidence, relevant to Ungar's request for reinstatement. Ungar may testify, but will not be required to do so.

IT IS FURTHER ORDERED that, on or before February 20, 2019, Ungar shall file into the record a list of all witnesses and exhibits to be offered at the evidentiary hearing. The witness list shall contain the name, address, and summarized anticipated testimony of each intended witness. The exhibit list shall contain a description of each intended exhibit. Documentary exhibits need not be filed into the record, but must be provided to the chambers of the undersigned by February 20, 2019. Any witness or exhibit not so listed or provided will be excluded from the hearing.

THUS DONE AND SIGNED in chambers in Alexandria, Louisiana, this
21st day of December, 2018.



Joseph H.L. Perez-Montes
United States Magistrate Judge